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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,456	10/16/2003	David S. Benco	LUC-437/Benco 32-2-26	8735
32205 7590 01/21/2009 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602				
EXAMINER				
TAYLOR, NICHOLAS R				
ART UNIT		PAPER NUMBER		
2441				
MAIL DATE		DELIVERY MODE		
01/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,456

Applicant(s)

BENCO ET AL.

Examiner

Nicholas Taylor

Art Unit

2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,11,12,14,15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,11,12,14,15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-8, 11, 12, 14, 15, and 18-20 have been presented for examination and are rejected.

Response to Arguments

2. Applicant's arguments filed October 14th, 2008, have been fully considered but they are deemed not persuasive.
3. In the remarks, applicant argued in substance that:

(A) The prior art of Luzzatti does not teach updating configuration data in the network subscriber database and then downloading the data to the mobile station if the configuration data was updated via user interfaces that are unassociated with the mobile station. Applicant's specification includes support for this limitation including a description of web-based graphical user interfaces, PC-based applications using wifi, and directly through the mobile interface.

As to point (A), Luzzatti teaches a variety of user interfaces including using the internet, PC-based clients, and other methods (see paragraphs 0003, 0004, and 0006). These interfaces enable storing and changing mobile configuration data both directly

from the mobile station (paragraphs 0022-0027 and fig. 2) and from interfaces that are unassociated with the mobile station (see, e.g., paragraphs 0028-0030 and fig. 3).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 3-8, 11, 12, 14, 15, and 18-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Luzzatti et al. (U.S. PGPub 2003/0046433).

6. As per claims 1, 8, and 15, Luzzatti teaches a method for providing network support for reconfiguration of mobile configuration data for a mobile station, comprising the steps of:

storing mobile configuration data for a mobile station in a mobile subscriber database in the mobile station; (Luzzatti, paragraphs 0006-0009 mobile station overview and contents)

storing the mobile configuration data in a network subscriber database in the network; (Luzzatti, paragraphs 0022 and fig. 1 architecture)

changing, directly via the mobile station, the mobile configuration data in the network subscriber database; and (Luzzatti, paragraphs 0022-0027, e.g., where the a contact configuration is changed at the network subscriber database)

automatically synchronizing, in response to the changing of the mobile configuration data in the network subscriber database, the mobile configuration data in the mobile subscriber database with the mobile configuration data in the network subscriber database of the mobile station, such that the changed mobile configuration data is first updated in the network subscriber database and then downloaded to the mobile station where the changes are applied to the mobile configuration data in the mobile subscriber database of the mobile station; (Luzzatti, paragraphs 0023-0030 and fig. 3 synchronization process)

wherein the mobile configuration data in the network subscriber database is a master copy; (Luzzatti, paragraphs 0022 and fig. 1 architecture) and

wherein new mobile configuration data is updated in the network subscriber database and then downloaded to the mobile station if the configuration data was updated via user interfaces that are unassociated with the mobile station (Luzzatti, see, e.g., paragraphs 0023-0030 and fig. 3 synchronization process).

7. As per claims 3 and 18, Luzzatti teaches the system further wherein the synchronizing of the mobile configuration data in the mobile subscriber database with the mobile configuration data in the network subscriber database of the mobile station is performed automatically upon occurrence of the changing of the mobile configuration data in the network subscriber database (Luzzatti, paragraphs 0022-0030, e.g., where the a contact configuration is changed at the network subscriber database).

8. As per claims 4, 11, and 19, Luzzatti teaches the system further wherein the synchronizing of the mobile configuration data in the mobile subscriber database with the mobile configuration data in the network subscriber database of the mobile station is performed upon sending a sync request from the mobile station to the network (Luzzatti, paragraphs 0037-0043).

9. As per claims 5, 12, and 20, Luzzatti teaches the system further wherein the network has a networked-based feature that provides at least one of periodic uploads of the mobile configuration data from the mobile station to the network and periodic downloads of the mobile configuration data from the network to the mobile station, and wherein the synchronizing of the mobile configuration data in the mobile subscriber database with the mobile configuration data in the network subscriber database of the mobile station is performed automatically upon occurrence of uploading and/or downloading of the mobile configuration data (Luzzatti, paragraphs 0045-0048 and fig. 6).

10. As per claim 6, Luzzatti teaches the system further wherein the mobile configuration data in the network subscriber database is a master copy (Luzzatti, paragraphs 0022 and fig. 1 architecture).

11. As per claims 7 and 14, Luzzatti teaches the system further wherein the network is the focus of storage of the mobile configuration data and synchronization events with the mobile station (Luzzatti, paragraphs 0037-0043).

Conclusion

12. Applicant's amendment necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharra can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NT/
Nicholas Taylor
Examiner
Art Unit 2441

/Larry D Donaghue/
Primary Examiner, Art Unit 2454